



POLICE DEPARTMENT

March 14, 2008

MEMORANDUM FOR: POLICE COMMISSIONER

Re: Detective Vincent Caminero
Tax Registry No. 911884
Viper No. 7
Disciplinary Case No. 82348/06

The above-named member of the Department appeared before me on December 4, 2007, charged with the following:

1. Said Detective Vincent Caminero, assigned to the Internal Affairs Bureau, on or about May 22, 2006, July 13, 2006, and August 15, 2006, utilized Department computers for a non-Department or other unauthorized purpose, in that Detective Caminero, on one occasion, accessed and read his own Department file, and on two occasions queried Department computers in order to ascertain the identity of two different plain-clothed Police Officers. *(As amended)*

P.G. 219-14, Page 2, Additional Data - DEPARTMENT COMPUTER SYSTEMS

The Department was represented by Daniel Maurer, Esq., Department Advocate's Office, and the Respondent was represented by James Moschella, Esq.

The Respondent, through his counsel, entered a plea of Guilty to the subject charge and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

The Respondent, having pleaded Guilty, is found Guilty as charged.

EVIDENCE IN MITIGATION

The Respondent testified that after he was served with this charge he was not suspended or placed on modified assignment, but he was transferred from the Internal Affairs Bureau (IAB), where he had been assigned for four years, to the Housing Bureau. He has been assigned to Viper No. 7, performing full duty, for the past year.

At IAB, the Respondent was assigned to the Internal Initiative Unit (IIU) where his duties included verifying bribery arrests made by members of the service (MOS) and preparing a weekly report for the Chief of Department; reporting parking permit data to and preparing resisting arrest data reports for the Chief, Internal Affairs; and training other IAB personnel regarding using the IAPRO computer system and its photo imaging system database, which allows IAB investigators to access photographs of MOS.

The Respondent testified that for internal security purposes, the IAPRO computer system has three separate levels of access. Level one is restricted to the Chief, Internal Affairs and MOS assigned to IAB Group 25. Level two is restricted to MOS assigned to IAB Group 1. Level three is the access level for all other MOS assigned to IAB who are authorized to use the IAPRO computer system. The Respondent testified that Level three was his assigned access level and that he had no access to any information contained within the IAPRO computer system under Levels one and two.

The Respondent testified that because he had once made a bribery arrest, he was aware that his own name had been entered into the IAPRO database. He recalled that

while he was assigned to IAB, he "ran" his own name "many times" in the IAPRO computer system as a "template" to insure that the system was operating properly. He testified that other MOS assigned to IIU also regularly "ran" their own names and accessed their own IAPRO files. (The parties stipulated that in a report dated September 7, 2006, an audit team determined that within the previous 18 months every MOS assigned to IIU, with the exception of one sergeant, had accessed their own IAPRO history as well as the IAPRO history of another MOS assigned to IIU).

The Respondent testified that his wife and mother are the co-owners of [REDACTED] [REDACTED] (Cows), a restaurant/bar in the Bronx. The Respondent applied for and received permission from the Department to engage in off-duty employment at Cows as a cook. He recalled that an IIU training video was filmed inside Cows. He performed as an actor in the video.

On May 19, 2006, the Respondent was at Cows working. He recognized a man who was seated at the bar as a MOS who was assigned to IAB Group 1. He did not know the man's name. When he spoke to him, the man told him that he was assigned to IAB Group 25. Because the Respondent "found it odd" that the man had claimed to be assigned to IAB Group 25, on May 22, 2006, while he was at work, the Respondent "out of curiosity" accessed the IAPRO computer system's photo imaging system database. He "pulled up" photos of MOS assigned to IAB Group 1 and saw the man's photo. After he looked at the photo, the Respondent "did nothing after that."

On June 9, 2006, the Respondent was the subject of an official Department interview at which he was questioned about his off-duty employment and whether he had an interest in Cows restaurant/bar.

Using an IAB computer print-out [Respondent's Exhibit (RX) A] to refresh his recollection, the Respondent testified that on July 13, 2006, he logged in to IAPRO at 5:36 a.m. At 6:26 a.m., after he had performed four work-related computer checks regarding bribery arrests, the IAPRO system "crashed" and "when it crashes it freezes and then it kicks you out of IAPRO," so he had to log in again. The Respondent decided to "run" his own name in the IAPRO computer system as an alternative method of re-logging into the system. He accessed his own IAPRO file, but when he did so, he only saw the entry regarding the old bribery arrest, he did not see any logs relating to an investigation of him being conducted by Group 1 and he was unaware at that time that Group 1 was investigating him. The Respondent acknowledged that he was aware that it was IAB policy that MOS assigned to IAB should not run their own names in the IAPRO system. On October 4, 2006, the Chief, Internal Affairs issued a memoranda to all group commanders that it was IAB policy that, "Members will NEVER be allowed to access their own IAPRO file." (RX B)

On August 11, 2006, the Respondent was inside Cows when he recognized a man at the bar as a MOS who he knew was assigned to IAB and worked at 315 Hudson Street, Manhattan. He did not engage the man in conversation. The man stayed about an hour and then left. Because the Respondent was curious about this man, on August 15, 2006, he accessed the IAPRO photo imaging system database and when he "pulled up" photos of MOS assigned to IAB Group 1 he saw the man's photo and "determined his identity." The Respondent testified that he was not aware at that point in time that he was under investigation regarding an allegation that he was serving alcoholic beverages at Cows.

September 7, 2006, a MOS assigned to IIU who had accessed his own IAPRO history on three separate occasions was offered a Schedule A Command Discipline and was not served with Charges and Specifications.

The Respondent has also admitted that he utilized a Department computer for non-Department, unauthorized purposes by improperly making photo imaging queries on two occasions in order to ascertain the identity of two plain-clothed officers.

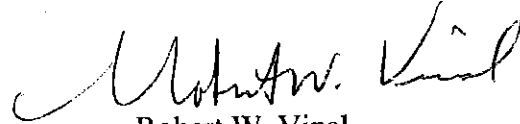
In Disciplinary Case No. 81305/05 (approved on May 8, 2007), a seven-year police officer who was assigned to the Internal Affairs Bureau forfeited 45 vacation days after she was found guilty of using Department computers for personal purposes unrelated to her assigned duties by improperly accessing her own IAPRO file and by improperly accessing data regarding the arrest of her brother's employee.

However, that case differs from this case because that officer did not plead guilty and because that officer was also found guilty of having improperly used the information she obtained to contact a precinct detective. Also, that officer engaged in further misconduct by requesting that the precinct detective void the arrest of her brother's employee. Here, the Respondent made no use of the IAPRO photo images he improperly accessed.

In Disciplinary Case No. 81890/06 (approved on September 8, 2006), a 20-year member with no prior disciplinary record forfeited 18 vacation days after he pleaded guilty to having used a Department computer to make inquiries that were unrelated to official Department business. After the member's daughter was arrested, he used his computer access code to query his daughter's name and the names of others involved in the arrest.

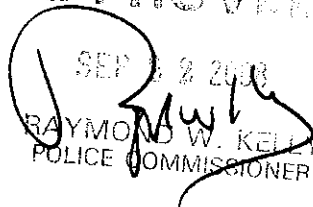
In consideration of the Respondent's lack of a prior disciplinary record, the fact that the Respondent was transferred out of IAB and the letters of recommendation offered by the Respondent, I recommend that the Respondent be required to forfeit 20 vacation days.

Respectfully submitted,



Robert W. Vinal
Assistant Deputy Commissioner - Trials

APPROVED



SEP 2 2008
RAYMOND W. KELLY
POLICE COMMISSIONER